GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – PR&RD – Sri D.Nagesh Babu, former District Panchayat Officer, Prakasam – Certain misconduct in dealing with office files – Disciplinary proceedings – Inquiry – Charge proved – Provisional decision to impose penalty of 30% cut in pension for a period of six years – Show Cause Notice issued – Concurrence of Public Service Commission - Filed OA No.2187/2017 and W.P.No.14685/2019 – Writ Petition Allowed – Orders of Hon`ble High Court implemented – Orders - Issued.

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PANCHAYAT RAJ & RURAL DEVELOPMENT (VIG.IV) DEPARTMENT

G.O.Rt.No.576 Dated 09-10-2020
Read the following:-

1. From Commissioner, PR&RD, Lr.No.1182/CPR.A1/1996, dated 19-02-1997.
2. Govt.memo No.1587/E-IX/1996-2, PR & RD (E-IX) Dept., dated 17-04-1999.
3. From Sri D.Nagesh Babu, DPO, Prakasam, dated 10-05-1997.
4. G.O.Rt.No.1703, PR&RD (E.IX) Department, dated 30-10-1998.
5. Inquiry Report from COI, D.O.Lr.No.119/MCOI-KR/1998, dt.21-04-1999.
6. Goverment memo No.1587/E.IX/A1/1996-11, dated 14-06-1999.
7. From Sri D.Nagesh Babu, DPO, Prakasam, dated 05-09-1999.
8. Government Memo No.1587/E.IX/1996-1, dated 14-03-2000.
9. From C-PR&RD, Lr.No.1182/CPR&RD/G3/1996, dated 23-08-2007.
10. Government Memo No.2724/Vig.IV/A1/2004-10, dated 18-04-2017.
11. From Sri D.Nagesh Babu, District Panchayt Officer (Retd), dated 12-6-2017.
12. Interim Orders of Hon`ble APAT in OA No.2187/2017, dated 08-08-2017 filed by Sri D.Nagesh Babu, District Panchayat Officer (Retd).
13. Government Lr.No.2724/Vig.IV/A2/2004-16, dated 12-09-2017.
14. From APPSC, Lr.No.695/DC&C/1/2017, dated 09-10-2017.
15. Interim Orders of Hon`ble APAT in WP No.14685/2019, dated 15-10-2019 filed by Sri D.Nagesh Babu, District Panchayat Officer (Retd).
16. Final Orders of Hon`ble APAT in WP No.14685/2019, dated 10-02-2020 filed by Sri D.Nagesh Babu, District Panchayat Officer (Retd).

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O R D E R :

Whereas in the reference 1st read above, it was brought to the notice of the Government that Sri D.Nagesh Babu while working as District Panchayat Officer, Prakasam had committed certain misconduct in not returning the files relating to the allegations of irregular appointments to the concerned section even after his transfer from Prakasam District. Government after examining the same have initiated disciplinary action against the Charged Officer for the above misconduct, vide reference 2nd read above.

2. And whereas as the Written Statement of Defence submitted by the Charged Officer denying the charge received vide reference 3rd read above is not convincing, Government have entrusted the case to the Commissioner of Inquiries for conducting regular inquiry into the matter and appointed Inquiring authority vide reference 4th read above. The Commissioner of Inquiries after inquiring into the matter has furnished the Inquiry Report and held the charge framed against the Charged Officer as sustained, vide reference 5th read above.

3. Whereas the Government after examining the Inquiry Report have accepted the findings of the Inquiry Authority and communicated the Inquiry Report to the Charged Officer to submit his explanation vide reference 6th read above. The Charged Officer has submitted his representation vide reference 7th read above and requested to drop further action against him. The Commissioner of Panchayat Raj & Rural Development has furnished his further report vide reference 9th read above and while the same is under examination by Government, the Charged Officer had retired from service on 30-06-2010.

(p.t.o)

4. And whereas after examining the matter the Government have provisionally decided to impose a penalty of 30% cut in pension for a period of six years and accordingly issued Show Cause Notice directing the Charged Officer to submit his explanation within 10 days from the date of receipt of the Notice as to why further action should not be taken, under Andhra Pradesh Revised Pension Rules, 1980 vide reference 10th read above. The Charged Officer has submitted his explanation and requested to drop further action against him, vide reference 11th cited. The Government after examining the same observed that the Charged Officer has not put-forth any new grounds and decided to confirm the provisional decision and sent necessary proposals to the Andhra Pradesh Public Service Commission vide reference 13th read above. The Public Service Commission vide reference 14th read above have concurred with the decision taken by the Government.

5. Whereas while the matter stood thus, the Charged Officer had filed O.A No.2187/2017 challenging the Show Cause Notice issued by Government vide reference 10th read above and Hon`ble AP Administrative Tribunal in its interim orders directed the respondent not to proceed with the disciplinary proceedings pursuant to Show Cause Notice issued in memo No.2724/Vig.IV/A1/ 2004-10, dated 18-04-2017, vide reference 12th read above. The Charged Officer had also filed W.P No.14685/2019 before the Hon`ble High Court stating that he filed OA No.2187/2017 and the matter was not heard as the Hon`ble Tribunal was not functioning, hence filed the present Writ Petition to suspend the memo dated 17-04-1999 in which disciplinary proceedings was initiated and Show Cause Notice dated 18-04-2017 in which provisional decision to impose penalty of 30% cut in pension for a period of 6 years was communicated.

6. And whereas the Hon`ble High Court, vide reference 15th read above has initially passed interim stay of disciplinary proceedings initiated against the Charged Offcier. The Hon`ble High Court has allowed the Writ Petition and passed final orders vide reference 16th read above and struck down the impugned proceedings dated 17-04-1997 & the consequential proceedings dated 18-04-2017.

7. The Government after examining the matter have decided to implement the judgment passed by the Hon`ble High Court in W.P.No.14685/2019 filed by Sri D.Nagesh Babu, former District Panchayat Officer, Prakasam now retired. Accordingly, hereby implement the judgment dated 10-02-2020 of the Hon`ble High Court in W.P.No.14685/2019 and set aside the Government Memo No.1587/E-IX/1996-2, PR & RD (E-IX) Dept., dated 17-04-1999 and consequential memo No.2724/Vig.IV/A1/2004-10, dated 18-04-2017 issued against the Charged Officer.

8. The Commissioner, Panchayat Raj & Rural Development shall take necessary further action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

GOPAL KRISHNA DWIVEDI
PRINCIPAL SECRETARY TO GOVERNMENT

To

Sri D.Nagesh Babu, Chief Executive Officer, Zilla Parishad (Retd), R/o.H.No.E-79, Panchavati Township Housing Colony, Akkireddipalem, BHPV Post, Visakhapatnam–530012.

The Commissioner, Panchayat Raj & Rural Development, Andhra Pradesh, Tadepalli, Guntur District.

Copy to :

The Secretary to Vigilance Commission, Andhra Pradesh Vigilance Commission, Secretariat Building No.5, Velagapudi, Guntur District.

The Andhra Pradesh Public Service Commission, Guntur District.

The District Collector, Prakasam.

The District Panchayat Officer, Prakasam.

The District Treasury Officer, Prakasam District.

The Accountant General (A&E), A.P., Hyderabad.

Sf/Sc

//FORWARDED:: BY ORDER//

SECTION OFFICER